

DRAFT FOR DISCUSSION AND COMMENT 08/30/02

[Please Note: The Air Resources Board staff expanded the applicability of the draft regulation below based upon comments received at public consultation meetings. Prior to these public consultation meetings the regulation applied to school buses. Based upon public comment, applicability was changed to include school pupil activity buses, youth buses, general public paratransit vehicles, transit buses, and heavy-duty vehicles (other than buses) operating at or near schools. The italicized draft language reflects these changes.]

PROPOSED REGULATION ORDER: AIRBORNE TOXIC CONTROL MEASURE TO LIMIT SCHOOL BUS IDLING AND IDLING AT SCHOOLS

Adopt new Chapter 10 – Mobile Source Operational Controls, Article 1 – Motor Vehicles, Section 2480, Title 13, California Code of Regulations (CCR) to read as follows:

Section 2480. Airborne Toxic Control Measure to Limit School Bus Idling and Idling at Schools.

(a) **Purpose.** This airborne toxic control measure reduces public exposure, especially school age children's exposure, to diesel exhaust particulate matter and other toxic air contaminants by limiting unnecessary idling of specified vehicular sources.

(b) **Applicability.** This section applies to the operation of every school bus, *transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, and other heavy-duty vehicle* except as provided in subsection (d).

(c) **Idling Control Measure.**

- (1) A driver of a school bus, *school pupil activity bus, youth bus, or general public paratransit vehicle*:
 - (A) must turn off the bus *or vehicle* engine upon stopping on or within 65 feet of school property and not turn the bus *or vehicle* engine on more than 30 seconds before departing from on or within 65 feet of school property; and
 - (B) must not cause or allow a bus *or vehicle* to idle at any location for:
 - (i) more than five consecutive minutes; or
 - (ii) a period or periods aggregating more than five minutes in any one hour.

- (2) *A driver of a transit bus or other heavy-duty vehicle:*
 - (A) must turn off the bus *or vehicle* engine upon stopping on school property and not turn the bus *or vehicle* engine on more than 30 seconds before departing from school property; and
 - (B) *must not cause or allow a bus or vehicle to idle at any location within 65 feet of school property for:*
 - (i) more than five consecutive minutes; or
 - (ii) a period or periods aggregating more than five minutes in any one hour.

- (3) *A motor carrier of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle must ensure that:*
 - (A) the bus *or vehicle* driver, upon employment and at least once per year thereafter, is informed of the requirements in (c)(1), and of the consequences, under this section and the motor carrier's terms of employment, of not complying with those requirements;
 - (B) all complaints of non-compliance with those requirements of (c)(1) and related enforcement actions are reviewed and remedial action is taken as necessary; and
 - (C) records of (3) (A) and (B) are kept for at least three years and made available or accessible to enforcement personnel within three business days of their request.

- (4) *A motor carrier of a transit bus or other heavy-duty vehicle must ensure that:*
 - (A) the bus *or vehicle* driver, upon employment and at least once per year thereafter, is informed of the requirements in (c)(2), and of the consequences, under this section and the motor carrier's terms of employment, of not complying with those requirements;
 - (B) all complaints of non-compliance with those requirements of (c)(2) and related enforcement actions are reviewed and remedial action is taken as necessary; and
 - (C) records of (4) (A) and (B) are kept for at least three years and made available or accessible to enforcement personnel within three business days of their request.

(d) **Exemptions**

This Section 2480 does not apply for the period or periods during which:

- (1) idling is necessary while stopped for:
 - (A) an official traffic control device;
 - (B) an official traffic control signal; or
 - (C) traffic conditions over which the driver has no control;
- (2) idling is necessary to ascertain that the school bus, *transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other heavy-duty vehicle* is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order as part of the daily vehicle inspection or as otherwise needed;
- (3) idling is necessary at a shop or maintenance facility for testing, servicing, repairing, or diagnostic purposes;
- (4) idling is necessary, for a period of not to exceed three minutes, to cool down a turbo-charged diesel engine before turning the engine off;
- (5) *idling is necessary to accomplish work for which the vehicle was designed, except for the work of transporting passengers. Examples of such work include: controlling cargo temperature or operating lifts, cranes, pumps, drills, hoists, mixers, or other auxiliary equipment other than heaters or air conditioners;*
- (6) idling is necessary:
 - (A) for a period not to exceed five minutes in any one hour, to operate heaters or air conditioners when ambient temperature is 33 to 50°F or 85 to 100°F (i.e., above 0 to 10°C or 30 to 38°C);
 - (B) for a period not to exceed fifteen minutes in any one hour, to operate heaters or air conditioners when ambient temperature is 32°F or below or greater than 100°F (i.e., 0°C or below or greater than 38°C); or
 - (C) to operate heaters or air conditioners in order to prevent a health emergency;

[Assuming that relatively comfortable temperatures are quickly achieved once a bus is underway, we are still looking for the length of idling necessary to provide bearable temperatures when children board the bus. 6 A and B are currently based upon other states' regulations. 6 C addresses special needs children. Any ideas would be welcome.]
- (7) idling is necessary to operate defrosters or other equipment in order to prevent a safety emergency;

- (8) idling is necessary solely to recharge a battery or other energy storage unit of a hybrid electric bus *or vehicle*; or
- (9) any of the following apply:
 - (A) sections 1226 or 1228 of Title 13, California Code of Regulations, or
 - (B) sections 22452 or 22515 of the Vehicle Code.

(e) **Penalties**

- (1) Each violation of subsection (c) is subject to a minimum civil penalty of 100 dollars.
- (2) Each violation of subsection (c) is subject to criminal penalties.

(f) **Enforcement.** This section 2480 may be enforced by the Air Resources Board, the California Highway Patrol, peace officers, and air pollution control or air quality management districts.

(g) **Definitions**

- (1) Driver. "Driver" means any person who drives or is in actual physical control of a vehicle.
- (2) Emergency. "Emergency" means:
 - (A) a sudden, urgent, usually unforeseen, occurrence; or
 - (B) a foreseeable occurrence relative to a passenger's pre-disclosed medical or physiological condition.
- (3) *General Public Paratransit Vehicle.* "General public paratransit vehicle" means any motor vehicle defined in Section 336 of the Vehicle Code that is transporting school pupils at or below the 12th grade level to or from public or private schools or public or private school activities, except a vehicle that is a zero emission general public paratransit vehicle.
- (4) Gross Vehicle Weight Rating. "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.
- (5) *Heavy-Duty Vehicle.* "Heavy-duty vehicle" means any motor vehicle having a manufacturer's gross vehicle weight rating greater than 6,000 pounds, except passenger cars.

- (6) Hybrid Electric Bus *or Vehicle*. "Hybrid electric bus *or vehicle*" means any school bus, *transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other heavy-duty vehicle* equipped with at least two sources of motive energy on board:
- (A) an electric drive motor that must be used to partially or fully drive the bus *or vehicle* wheels; and
 - (B) one of the following:
 - (i) an internal combustion engine;
 - (ii) a turbine; or
 - (iii) a fuel cell.
- (7) Idling. "Idling" means the engine is running while the bus *or vehicle* is stationary.
- (8) Motor Carrier. "Motor carrier" means the registered owner, lessee, licensee, school district superintendent, or bailee of any school bus, *transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other heavy-duty vehicle* who operates or directs the operation of any such bus *or vehicle* on either a for-hire or not-for-hire basis.
- (9) Official Traffic Control Device. "Official traffic control device" means any sign, signal, marking or device, consistent with Section 21400 of the Vehicle Code, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.
- (10) Official Traffic Control Signal. "Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.
- (11) *School*. "*School*" means any public or private school used for the purposes of education and instruction of more than 12 children in kindergarten or any grades 1 to 12, inclusive, but does not include any private school in which education and instruction is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of school property.
- (12) School Bus. "School bus" means any school bus defined in Section 545 of the Vehicle Code, except a zero emission school bus.

- (13) *School Pupil Activity Bus. "School pupil activity bus" means any bus defined in Section 546 of the Vehicle Code, except a zero emission school pupil activity bus.*
- (14) *Transit Bus. "Transit bus" means any bus defined in Section 642 of the Vehicle Code, except a zero emission transit bus.*
- (15) *Youth Bus. "Youth bus" means any bus defined in Section 680 of the Vehicle Code, except a zero emission youth bus.*
- (16) *Zero Emission School Bus, Transit Bus, School Pupil Activity Bus, Youth Bus, General Public Paratransit Vehicle, or Other Heavy-Duty Vehicle. A "zero emission school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other heavy-duty vehicle" means any bus or vehicle certified to zero-emission standards.*

Authority Cited: Sections 39600, 39601, 39658, 39667, Health and Safety Code.

Reference: Sections 39600, 39650, 39655, 39656, 39657, 39658, 39659, 39662, 39665, 39674, 39675, 42410, Health and Safety Code; Sections 305, 336, 350, 440, 445, 545, 546, 642, 680, 21400, 27153, 22452, 22515, Vehicle Code; and Sections 1201, 1900, 1962, Title 13 CCR.